

### **REMARKS**

Applicants request reconsideration of claims 1-69 based on the amendments and remarks herein.

### **ALLOWABLE SUBJECT MATTER**

The Applicants acknowledge that Claims 1-69 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2<sup>nd</sup> paragraph as set forth in the Office Action mailed on June 22, 2006.

### **35 USC §112 REJECTIONS**

Claims 1-69 stand rejected under 35 U.S.C. 112, second paragraph for reasons of record at page 2 of the Office Action. It was recommended that, in claim 1, line 1, the medical device should be stated as being 'adapted to be' implanted within a biological organism, in order to avoid inadvertently claiming the body. It is further stated that claim 61 depends from itself.

Applicants respectfully submit that the amendments to the claims comply with the recommendations in the Office Action to overcome the rejections under 35 U.S.C. 112, 2<sup>nd</sup> paragraph.

Claim 1 has been amended twice to include the phrase "adapted to be" in lines 2-3 in order to prevent claiming the body. It is submitted that this amendment overcomes the 35 U.S.C. 112, 2<sup>nd</sup> paragraph rejection to claim 1. Claim 1 has also been amended to include an inadvertently omitted space between "of" and "atoms". Applicants submit that the inclusion of the erroneously omitted space is minor and does not materially affect the scope of the claim. Claim 1 has also been amended to delete the second period at the end of the claim. The inclusion of the second period was a typographical error. Applicants submit that the deletion of the erroneously included period is minor and does not materially affect the scope of the claim.

Claim 5 has been amended to change the phrase “magnetically shielded substrate” to “magnetically shielded assembly”. This change is made to conform the usage of terminology in claim 5 to the antecedent basis in claim 4, and to the usage of terminology in the specification. Claim 5 is further amended to correct the spelling of the word “zironcium” to “zirconium”. Applicants submit that this spelling correction is minor and does not materially affect the scope of the claim.

Claim 24 has been amended to change the chemical formula “FeAl0” to “FeAlO”.. This amendment corrects a typographical error of a zero character in place of the correct capital O character. Applicants submit that this correction is minor and does not materially affect the scope of the claim.

Claim 46 has been amended to change the word “nanomagentic” to “nanomagnetic”. This amendment corrects a typographical error transposing the first “e” and the third “n”. Applicants submit that this correction is minor and does not materially affect the scope of the claim.

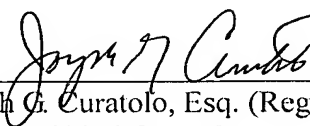
Claim 61 has been amended to change the claim from which it depends from claim 61 to claim 60. This amendment corrects a typographical error and does not change the scope of the claim.

Claim 62 has been amended to delete the period between the words “claim 61” and “wherein”. The inclusion of the period was a typographical error. Applicants submit that the deletion of the erroneously included period is minor and does not materially affect the scope of the claim.

Claim 67 has been amended to include an omitted space between “claim” and “65”. The omission of this space was a typographical error. Applicants submit that the inclusion of the erroneously deleted space is minor and does not materially affect the scope of the claim. Claim 67 has also been amended to delete the second comma between the words “recited in claim 65” and “wherein said”. The inclusion of the second comma was a typographical error. Applicants submit that the deletion of the erroneously included comma is minor and does not materially affect the scope of the claim.

In view of the amendments and remarks contained above, Applicants respectfully request reconsideration of the application, withdrawal of the 35 USC §112, 2<sup>nd</sup> paragraph rejections, and request that a Formal Notice of Allowance be issued for claims 1-69. Should the Examiner have any questions about the above remarks, the undersigned attorney would welcome a telephone call.

Respectfully submitted,

  
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